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REPORT
No. 2324

RETROACTIVE SALARY INCREASES DUE DECEASED OFFICERS AND EMPLOYEES OF THE FEDERAL GOV- ERNMENT

JUNE 27, 1952.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. LESINSKI, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany H. R. 6004]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 6004) to authorize payment of retroactive salary increase for services rendered by postmasters, officers, and employees of the field service of the Post Office Department who died between July 1, 1951, and October 24, 1951 having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows: (1) Strike out all after the enacting clause of the introduced bill and insert in lieu thereof a substitute bill which appears in the reported bill in italic type.

(2) Amend the title so as to read:

A bill to provide for the payment of retroactive increases in compensation for services rendered by certain deceased officers and employees of the Federal Government, and for other purposes.

PURPOSE OF AMENDMENTS

The purpose of the first amendment is to strike out all after the enacting clause of the bill as introduced and insert language as agreed to by the committee. The effect of this language is as shown in the statement which follows.

The purpose of the second amendment is to bring the title of the bill in conformity with the language of the bill as agreed to by the committee.

STATEMENT

This legislation will authorize payment of retroactive salary increases for services by any deceased officer or employee who was covered by Public Laws 201, 204, or 207, Eighty-second Congress, rendered during the period beginning with the effective date of such act and ending with the date of death. It will authorize similar payments in the cases of officers or employees entitled to comparable increases by reason of administrative action pursuant to the general provisions of title XI of Public Law 375, Eighty-second Congress. These laws provide for payment of retroactive salary increases for officers and employees covered thereby who were in the service or retired on October 24, 1951. However, these laws make no provision for payment of such retroactive salary increases in the cases of officers and employees who died before October 24, 1951. The payments which this legislation authorizes will in each case be made in the manner now prescribed by law for payment of unpaid compensation due deceased officers and employees.

As introduced H. R. 6004 provided for payment of such retroactive salary increase only for services rendered by postmasters, officers and employees of the field service of the Post Office Department and made no provision for other officers and employees who are equally entitled to the retroactive increase. Also, the bill as introduced provided for payments to be made in a manner different from that prescribed by law for the payment of other compensation due and unpaid upon death of officers and employees generally.

Hearings were held on this legislation at which representatives of the Post Office Department, the Bureau of the Budget, and employee groups testified in favor of the bill. There was general agreement on the part of all witnesses on the desirability of the amendments which are incorporated in the reported bill. The Bureau of the Budget has estimated that the total cost of this legislation will be approximately \$172,000.

The favorable report of the Post Office Department on H. R. 6004 follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington 25, D. C., May 7, 1952.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your requests for reports on H. R. 5993 and H. R. 6004, identical bills to authorize payment of retroactive salary increase for services rendered by postmasters, officers, and employees of the field service of the Post Office Department who died between July 1, 1951, and October 24, 1951.

These measures provide: "That section 23 (b) of the Act of October 24, 1951 (Public Law 204, 82d Cong.), is hereby amended by striking out the period at the end thereof and inserting a comma followed by 'or the rightful heirs or the estate of a deceased postmaster, officer, or employee for services rendered during the period beginning July 1, 1951, and ending with the date of his death.'"

"SEC. 2. This act shall be effective as of July 1, 1951."

Since Public Law 204 did provide for retroactive payments for employees who have retired as well as those who have transferred to other positions in the governmental service, it does not appear objectionable to include the heirs or estates of employees who became deceased between July 1 and October 24, 1951.

There is no information available on which to base an estimate as to the cost of the proposed measures but it is the considered opinion of this Department that such cost would be negligible.

In view of the foregoing, this Department recommends the enactment of this legislation.

The Bureau of the Budget has advised that there would be no objection to the presentation of this report to your committee.

Sincerely yours,

J. M. DONALDSON,
Postmaster General.

The favorable report of the Bureau of the Budget, recommending that the legislation include other officers and employees along with those in the postal field service, as provided in the reported bill, follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., May 6, 1952.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington 25, D. C.

MY DEAR MR. MURRAY: This will acknowledge your letters of January 18, 1952, inviting the Bureau of the Budget to comment on H. R. 5993 and H. R. 6004, to authorize payment of retroactive salary increase for services rendered by postmasters, officers, and employees of the field service of the Post Office Department who died between July 1, 1951, and October 24, 1951.

These bills amend section 23 (b) of the act of October 24, 1951 (Public Law 204, 82d Cong.), which increases the compensation of postal employees and which provides retroactive pay increases to such individuals who were in the service of the United States on October 24, 1951, the date of the bill's enactment, and to retired postmasters, officers, or employees for services rendered after July 1, 1951, the effective date of the act, but before October 24, 1951. These bills would amend that act by authorizing the payment of retroactive pay increases to the rightful heirs or the estates of postmasters, officers, or employees for services rendered during the period beginning July 1, 1951, and ending with the date of death.

The heirs or estates of deceased employees who rendered services to the Government after July 1 and who would have been entitled to the retroactive pay increases for such services if they had been in the service of the Government on October 24, 1951, are entitled to the increased rate for the services rendered. It is the view of this office that the same treatment should be afforded the heirs and estates of deceased employees whose retroactive pay increases would have been provided under the other pay acts, Public Laws 201 and 207, Eighty-second Congress, if they had been in the service of the Government on the effective date of those acts.

Accordingly, this office would have no objection to the enactment of H. R. 5993 and H. R. 6004, provided similar amendments are enacted to Public Laws 201 and 207, Eighty-second Congress.

Sincerely yours,

ELMER B. STAATS,
Assistant Director.

The following report of the Comptroller General suggested the amendment, contained in the reported bill, to provide for payments under the legislation to be made in accordance with existing law covering the payment of other compensation due and unpaid at death:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, February 12, 1952.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

MY DEAR MR. CHAIRMAN: Reference is made to your letters of January 18, 1952, acknowledged by telephone January 23, requesting my comments upon H. R. 5993 and H. R. 6004, Eighty-second Congress, each of which provides for an amendment to the retroactive provisions of section 23 (b) of the act of October 24, 1951, Public Law 204, 65 Stat. 633, so as to authorize the payment of the retroactive salary increase provided for under Public Law 204 in the case of a postmaster, officer, or employee who died between July 1, 1951, and October 24,

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1951, the effective date and the date of enactment of Public Law 204, respectively. Since the bills contain identical provisions, the comments made hereinafter upon H. R. 5993 equally are for application to H. R. 6004.

Section 23 (b), Public Law 204, authorizes the retroactive payments only in the case of an individual in the service of the United States or of the municipal government of the District of Columbia on the date of enactment, or in the case of certain retired personnel. The bill, H. R. 5993, provides that such retroactive payments also would be made to the "rightful heirs or the estate" of a deceased postmaster, officer, or employee.

The order of precedence for the payment of unpaid compensation due a civilian officer or employee of the Government at the time of his death is prescribed by the act of August 3, 1950, Public Law 636. Also, as required by section 3, Public Law 636, the procedure for accomplishing such payments is prescribed by General Accounting Office General Regulations No. 104, Revised, April 5, 1951.

The designated beneficiary is the first in the order of precedence under Public Law 636. Hence the rightful heirs who might receive the retroactive increase under the bill might be entirely different from the individual or individuals who receive, pursuant to Public Law 636, the unpaid compensation due the decedent. In view thereof, it is recommended that the provisions of the bill authorizing such retroactive payments be made to "the rightful heirs or the estate" be amended to authorize the payments to be made in accordance with the provisions of Public Law 636, above.

Other than as indicated above, I have no objection to the favorable consideration of the bills.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 23 (B) OF THE ACT OF OCTOBER 24, 1951 (PUBLIC LAW 204, EIGHTY-SECOND CONGRESS)

SEC. 23. (a) * * *

(b) Retroactive compensation or salary shall be paid under this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or of the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid a retired postmaster, officer, or employee for services rendered during the period beginning July 1, 1951, and ending with the date of his retirement[.], *or the rightful heirs or the estate of a deceased postmaster, officer, or employee for services rendered during the period beginning July 1, 1951, and ending with the date of his death.*